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SENSITIVE

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SUBJECT: SCENESETTER FOR VISIT TO BRUSSELS OF ONDCP DIRECTOR WALTERS FEBRUARY 28-MARCH 1, 2005

REF: ONDCP 4292

1. (SBU) Summary. Your visit to Brussels comes at an important juncture in U.S.-EU relations. The transatlantic dialogue has been given a dramatic boost from the recent visit of Secretary of State Rice. Her meetings with the EU have laid the foundation for the upcoming visit of President Bush. The prospects for your message receiving an open and fair hearing have been greatly enhanced. We enjoy close counter-narcotics cooperation with the EU in third countries. We share their concern with increasing heroin imports into the Union from Afghanistan, and have agreed to work together to stem the growing organized crime problem in the Balkans which thrives on drug smuggling. Most importantly, our close cooperation in combating terrorism is increasingly motivated by our common concern about the rise of narco-terrorism. A new parliament and commission took office last fall. Initial indications are that EU institutions are willing to strengthen U.S.-EU cooperation, particularly in the area of Justice and Home Affairs, which includes drug policy and counter-narcotics efforts. End summary.

#### EU Drug Strategy

2. (SBU) In December 2004, the EU Council approved a new EU Drug Strategy for 2005-2012, providing a broad strategic framework for the new two four-year EU Action Plans on Drugs. The new Strategy is not significantly different from the old one, and is more notable for what it lacks than any new initiatives. It does not call for new institutions or any revisions to the existing UN Drug Conventions. Some EU members have considered promoting UN Convention reform as a way for winning broader acceptance for "harm reduction" policies. The Strategy contains a minor mention of harm reduction as a policy goal, but this is unavoidable in the EU context.

3. (U) In terms of external EU assistance, the Strategy does not prioritize any particular geographic region, outside of stating that "particular attention should be paid to cooperation with the countries on the Eastern border of the Union, the Balkan States, Afghanistan and its neighbors, the Latin American and Caribbean countries, Morocco, and other drug routes." The Strategy calls for Member States facing a common problem to explore the option of intensified cooperation in order to address it." In other words, "coalitions of the willing" may form to deal with particular regions of concern. This has relevance to growing pressure from Congress to encourage greater EU technical assistance to Colombia and Afghanistan.

#### U.S.-EU Dialogue on Drugs

4. (U) There are two main fora in which we discuss drug policy and cooperation with the EU. The most important of these is the "Drug Troika" which is held once per EU presidency and which brings together drug policy officials from the presidency country, the Council Secretariat and the Commission. The U.S. delegation to this meeting includes State/INL, DEA and ONDCP. The next Drug Troika is scheduled for June in Washington. The other meeting at which drug policy is discussed is the Informal Meeting on Justice and Home Affairs which is also held once per presidency and includes the same representation on the EU side. However, the USDEL includes the Departments of Justice and Homeland Security in addition to State. Two other fora where drug cooperation is discussed (but not exclusively with the EU) are the Dublin Group which meets twice per year, and the Paris Pact which examines the heroin routes from Afghanistan to Europe.

5. (U) There remains disagreement within the EU Member States with regard to "harm reduction" (e.g., needle-exchange programs, drug consumption rooms). Sweden, Italy and others are more closely aligned with the U.S. in their zero tolerance to drug use. Other countries (The Netherlands, Germany, Portugal) favor a more liberalized approach. The result tends to be a lack of commonality and focus at the EU

level.

16. (U) However, the EU is strengthening efforts to evaluate its drug situation and looking to harmonize reporting through the European Monitoring Center for Drugs and Drug Addiction (EMCDDA) located in Lisbon. The ONDCP has an informal relationship with the EMCDDA through its Office of Research and Evaluation to cooperate on monitoring and evaluation of drug strategies.

17. (U) The EU also made significant strides last fall, breaking a deadlock and finalizing the framework decision on minimum penalties for drug trafficking. This compromise was reached after more than two years of discussion. The framework decision penalizes most trafficking offenses with a minimum of one year in prison. The decision includes trafficking in all drugs (hard and soft, a distinction the U.S. does not draw) and precursors. Trafficking includes cultivating, manufacturing, selling, transporting, possessing and purchasing (not including personal consumption as defined by national law). The coming together of the 25 Member States to create the minimum sentence is a noteworthy accomplishment, the first significant harmonization effort in the criminal aspect of drug trafficking.

18. (U) We routinely present the EU with our National Drug Control Strategy, have shared copies of it with them, and continue to remind them of its balanced approach. We need to continue to remind the EU that our strategy is balanced between addressing both supply and demand.

The EU Parliament

19. (U) The European Parliament is the only EU institution elected directly by universal suffrage. Members are elected for a period of five years. Parliament has 732 members and is divided by political affiliation, not by nationality. There are eight political groups which are coalitions of Member State Parties. No single party enjoys a majority. The largest group in the current legislature is the EPP-ED (Christian Democrats/Center right), followed by the PES (Socialists/Center left) and then the ALDE (Liberals and Democrats for Europe/market-oriented center).

10. (U) In the area of counter-narcotics and drug strategy, the Parliament currently has limited power to affect EU policy. Drug policy is a Justice and Home Affairs (JHA) issue, and Parliament does not currently enjoy co-decision power with the European Council on JHA issues. However, the draft Constitutional Treaty establishes that European "framework laws" would be adopted using the ordinary legislative procedure (i.e., co-decision with the Parliament). The draft Constitution provides that European framework laws may establish minimum rules concerning the definition of criminal offenses and sanctions in the areas of particularly serious crime with a cross-border dimension, including illicit drug trafficking. The Parliament will continue to have the last word on the EU budget and can thus affect EU assistance for counter-narcotics programs in third countries. As expected, the Parliament is made up of individuals holding the full range of positions on drug policy - both supply and demand. Parliamentarians are understandably pulled in different directions by party, national, constituent and personal interests, but political groups are starting to become more cohesive.

Cooperation with Belgium

11. (U) Belgian counter-narcotics issues are handled by the Federal Police, and in association with foreign countries through the Central Office (CBO) Drugs Squad. Embassy Brussels maintains continual contact with the CBO on all investigative matters and both official and unofficial information is passed freely. All information required for official purposes (e.g., official transcripts, prosecutions) is obtained through the issuance of a Mutual Legal Assistance Treaty (MLAT) request through the Belgian Ministry of Justice and the U.S. Department of Justice. Extraditions to the U.S. are allowed for non-Belgians and requests to conduct international controlled deliveries of narcotics to and from Belgium occur with some regularity.

12. (U) Due mainly to the seaport of Antwerp and Zaventem International Airport, Belgium experiences substantial cocaine importation estimated at a conservative twenty tons per annum. Belgium is also the number two ranking country for MDMA (ecstasy) production in the world, behind The Netherlands. Eradication of the MDMA and amphetamine laboratories in northern Belgium is a priority of the Belgian National Security Plan 2004-2007, particularly with respect to exportation of MDMA tablets. The Brussels office of the Drug Enforcement Administration works closely with the CBO on MDMA investigations and seeks to exploit any direct nexus, either with the United States or with criminal groups that

impact the United States. The bilateral relationship with the Belgian Federal Police is outstanding.

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